



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

**OFFICE OF PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES**

MEMORANDUM

SUBJECT: Not Likely to Adversely Affect Determination for Atrazine Relative to the Endangered Alabama Sturgeon

FROM: Anita Pease /original signed by Anita Pease on August 31, 2006/
ERB III
Environmental Fate and Effects Division

TO: Arthur-Jean B. Williams, Associate Director
Environmental Fate and Effects Division

Attached is the assessment of potential effects to the endangered Alabama Sturgeon from uses of the herbicide atrazine. While the Endangered Species Act requires we assess uses of pesticides relative to any potentially affected listed species, this assessment focuses only on the Alabama Sturgeon, addressing provisions of a settlement agreement entered into by the federal government to resolve claims made by plaintiffs against EPA in a court case (NRDC v. EPA¹).

The attached assessment was conducted consistent with the Agency's Overview Document² and results in my determination that uses of atrazine are not likely to adversely affect (NLAA) the Alabama Sturgeon either directly or indirectly. A determination of whether use of atrazine results in adverse modification to critical habitat was not conducted because such habitat has not been designated under the Endangered Species Act. As required by the Alternative Consultation Agreement EPA entered into with the US Fish and Wildlife Service and National Marine Fisheries Service (Services), I have been trained by the Services to make such determinations. Additionally, this assessment was subjected to internal Agency peer review throughout its development. The review panel included three other scientists who have been trained by the Services to make NLAA determinations (Dr. Thomas Steeger, Dr. Edward Odenkirchen and Dr. Melissa Panger).

Please let me know if you have any questions regarding this assessment and effects determination for atrazine relative to the Alabama Sturgeon.

cc: Steven Bradbury
Debbie Edwards

Attachments

¹ Settlement agreement of March 28, 2006: Natural Resources Defense Council v. United States Environmental Protection Agency. Civ. No: 03-CV-02444 RDB.

² Overview of the Ecological Risk Assessment: Process in the Office of Pesticide Programs, U.S. Environmental Protection Agency: Endangered and Threatened Species Effects Determinations: January 23, 2004.